

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA ) DOCKET NO. 17-cr-00157-MOC-DCK  
v. )  
 ) FACTUAL BASIS  
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ADETUNJI ABIOLA AYOADE )  
 )

NOW COMES the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

1. From at least October 2015 through February 2017, the defendant ADETUNJI ABIOLA AYOADE executed a scheme to defraud individuals and financial institutions by using credit cards reflecting stolen identities. AYOADE used fraudulently obtained credit cards that were in the names of at least thirty identity theft victims, resulting in losses in excess of \$150,000.

## Relevant Entities

2. JPMorgan Chase Bank, N.A. ("Chase") was the consumer and commercial banking subsidiary of JPMorgan Chase. Chase was based in New York and was a financial institution under 18 U.S.C. § 20.

3. The American Express Company (“Amex”) was a multinational financial services corporation based in New York. Amex was a financial institution under 18 U.S.C. § 20.

4. Lowe’s Companies, Inc. (“Lowe’s”) was a North Carolina-based company that operated over one thousand home improvement stores in North America including in Charlotte, N.C. and Belmont, N.C.

5. Amazon was an internet-based retailer headquartered in Washington that provided consumers with the ability to purchase gift cards for use on Amazon’s website.

### **The Scheme**

6. AYOADE generally executed the fraud scheme in the following way:

a. Fraudulently obtained personal identifying information (“PII”) was used to open credit card accounts at Chase and Amex. These fraudulent credit card applications listed AYOADE’s residence in Charlotte, N.C. or addresses of homes adjacent to AYOADE’s residence as the relevant address for the credit cards. Based on this information, Chase and Amex mailed the credit cards associated with the fraudulently obtained accounts to AYOADE’s residence or other addresses located on the same street..

b. AYOADE then utilized the fraudulently obtained credit cards to purchase goods or to purchase Amazon gift cards at retail merchants including Lowe’s, Wal-Mart, and Food Lion.

c. AYOADE then utilized the Amazon gift cards, which were purchased with the fraudulently obtained credit cards, to purchase goods on Amazon’s website and had the goods shipped to his residence in Charlotte, N.C.

7. In one example, AYOADE used a Chase credit card in the name of D.K., a resident of Illinois, to conduct fraudulent transactions.

a. On or about April 12, 2016, a Chase credit card account ending in 3330 was opened using D.K.’s misappropriated PII, including D.K.’s name, date of birth, and social security number. Chase was instructed by the applicant to mail the credit card to AYOADE’s address in Charlotte, N.C.

b. On or about May 7, 2016, AYOADE utilized the Chase credit card account ending in 3330 to purchase Amazon gift cards at Lowe’s in Belmont, N.C.

c. On or about May 7, 2016, AYOADE purchased goods through Amazon’s website using the Amazon gift cards purchased from Lowe’s with the fraudulently obtained credit card account ending in 3330. AYOADE instructed Amazon to ship the goods to AYOADE’s residence in Charlotte, N.C.

8. In another example, AYOADE used a Chase credit card in the name of J.H., a resident of Illinois, to conduct fraudulent transactions.

a. On or about April 27, 2016, a Chase credit card account ending in 0304 was opened using J.H.'s misappropriated PII, including J.H.'s name, date of birth, and social security number. Chase was instructed by the applicant to mail the credit card to an address adjacent to AYOADE's residence in Charlotte, N.C.

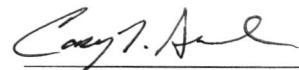
b. On or about June 1, 2016, AYOADE utilized the Chase credit card account ending in 0304 to purchase Amazon gift cards at Lowe's in Belmont, N.C.

c. On or about June 8, 2016, AYOADE purchased goods through Amazon's website using the Amazon gift cards purchased from Lowe's with the fraudulently obtained credit card account ending in 0304. AYOADE instructed Amazon to ship the goods to AYOADE's residence in Charlotte, N.C.

9. The total loss amount, including relevant conduct, for the offense that is attributable to AYOADE is \$211,021. This amount represents actual loss and does not include loss that may be associated with attempts.

10. The acts taken by the defendant, AYOADE, in furtherance of the offense charged in this case, including the acts described above, were done knowingly, intentionally, willfully, and without legal justification or excuse, with the specific intent to do that which the law forbids and not by mistake, accident, or any other reason.

JILL WESTMORLAND ROSE  
UNITED STATES ATTORNEY



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Casey T. Arrowood  
Assistant United States Attorney

Defendant's Counsel's Signature and Acknowledgement

I have read this Factual Basis and the Bill of Indictment in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment. I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be sued for the purposes stated above.

  
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Rob Heroy  
Attorney for the Defendant

Date: 11/23/17